

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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REGINALD BRUCE LONG,

Case No. 15-CV-3990 (PJS/TNL)

Plaintiff,

v.

REPORT & RECOMMENDATION

MINNESOTA DEPARTMENT OF  
CORRECTIONS; MCF-STILLWATER  
FACILITY; MCF-LINO LAKES; TOM  
ROY, Commissioner; MELISSA CAFFEES,  
Health Services Superv.; JOE  
CRITTENDEN, Sgt.; MICHELLE SMITH,  
Warden; JENNIFER SMITH, Nurse; JILL  
THORALSON, Case Worker; CHRIS ESTY,  
Associate Warden; ANGELA STEVENS,  
Nurse; BRUCE JULSON, Program Director;  
JULIE MAGNETA, Nurse; DARRYL  
GOEBEL, Program Director; SHANE  
JONES, Sargeant; ROBERT PLUM,  
Discipline Lt.; JEFFREY LENG; STEVE  
HOUST; SHANNA LANGSTON,  
Psychology Director; TERRY JERGENSON,  
Psychology Director; FRANK BARR,  
Psychology Doctor; KAREN MUNTAIN  
JOHNSON, Psychology Doctor (Centurion);  
SGT. KILLIMANJARO; SGT.  
DONALDSON; JEFFREY LONG, Officer;  
OFFICER PAGEL; OFFICER ANDERSON;  
CHAPLAIN HOBSON; HEALTH  
SERVICES DOCTOR SUTTERBERG;  
OFFICER WILCOX; and OFFICER PHARR,

Defendants.

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Plaintiff Reginald Bruce Long, a prisoner, commenced this action by filing a complaint alleging violations of his constitutional rights. Long did not pay the required filing fee for this case, but instead filed an application seeking leave to proceed *in forma pauperis* (“IFP”). *See*

ECF No. 2. In an order dated November 13, 2015, this Court ordered Long to pay an initial partial filing fee of \$4.90. *See* ECF No. 3 (citing 28 U.S.C. § 1915(b)). Long was given 20 days to pay this initial partial filing fee, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has now passed, and Long has not paid the required filing fee. In fact, Long has not communicated with the Court about this case at all since commencing this action.<sup>1</sup> Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

#### RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: December 22, 2015

s/Tony N. Leung  
Tony N. Leung  
United States Magistrate Judge

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<sup>1</sup>Long may not have received this Court’s November 13 order, as it appears that he is no longer in the custody of the Minnesota Department of Corrections; the document was returned without delivery. The Court does not have on record a current mailing address or other means of contacting Long. Ultimately, though, the responsibility for informing the Court how best to contact him rests with Long. *See* Fed R. Civ. P. 11(a). The Court notes that this action is being recommended for dismissal *without* prejudice, so Long may still renew in a new proceeding the claims raised in his complaint.

**NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).

**Under Advisement Date:** This Report and Recommendation will be considered under advisement 14 days from the date of its filing. If timely objections are filed, this Report and Recommendation will be considered under advisement from the earlier of: (1) 14 days after the objections are filed; or (2) from the date a timely response is filed.